

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TELLER, an individual,

2:12-CV-591 JCM (GWF)

**Plaintiff(s),**

V.

GERARD DOGGE (p/k/a Gerard Bakardy) an individual,

Defendant(s).

## ORDER

16 Presently before the court are the report and recommendation of Magistrate Judge Foley.  
17 (Doc. # 222). No objections have been filed even though the deadline for filing objections has  
18 passed.

19       Upon considering plaintiff Teller's motion for case dispositive sanctions, (doc. # 205),  
20      Magistrate Judge Foley recommended that defendant Dogge's answer be stricken and default  
21      entered.

22 This court “may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to  
24 a magistrate judge’s report and recommendation, then the court is required to “make a de novo  
25 determination of those portions of the [report and recommendation] to which objection is made.”  
26 28 U.S.C. § 636(b)(1).

27

1 Where a party fails to object, however, the court is not required to conduct “any review at all  
2 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
3 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
4 judge’s report and recommendation where no objections have been filed. *See United States v.*  
5 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (disregarding the standard of review employed  
6 by the district court when reviewing a report and recommendation to which no objections were  
7 made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth  
8 Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review  
9 “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate  
10 judge’s recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
11 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
12 to which no objection was filed).

13        Nevertheless, this court finds it appropriate to engage in de novo review to determine whether  
14 to adopt the recommendation of the magistrate judge. It is evident that defendant Dogge has  
15 consistently refused to cooperate in the litigation process and failed to comply with orders of the  
16 court. For his final trick in this case, defendant Dogge has disappeared entirely—first refusing to  
17 participate in required pretrial procedures then insisting he would not physically attend trial. Thus,  
18 the court finds good cause to ADOPT the magistrate judge’s findings in full.

19 || Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
21 recommendation of Magistrate Judge Foley, (doc. # 222), are ADOPTED in their entirety.

22 IT IS FURTHER ORDERED that plaintiff Teller's motion for case-dispositive sanctions,  
23 (doc. # 205), is GRANTED.

24 IT IS FURTHER ORDERED that defendant Dogge's answer, (doc. # 39), be stricken in its  
25 entirety. The clerk is instructed to enter default against defendant Dogge.

26 || DATED July 9, 2014.

James C. Mahan  
UNITED STATES DISTRICT JUDGE